



QUICK REFERENCE GUIDE

TO

**LOUISIANA'S DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING &
SEXUAL ASSAULT LAWS & FIREARMS PROHIBITIONS**

v.15.1 as revised for release January 2025

LOUISIANA PROTECTIVE ORDER REGISTRY (LPOR)

Office of the Judicial Administrator

Supreme Court of Louisiana

400 Royal Street, Suite 1190

New Orleans, Louisiana 70130

Telephone: 504.310.1642 • Fax: 504.310.1649 • Email: lpor@lasc.org

Quick Reference Guide

For release January 2025

Table of Contents

QUICK REFERENCE: Louisiana’s Civil Domestic Abuse, Dating Violence, Stalking & Sexual Assault Laws & LPOR forms (v.15.1)	Section 1
QUICK REFERENCE: Louisiana’s Domestic Violence Criminal Laws and LPOR forms (v.15.1)	Section 2
2025 Quick Reference Guide to Firearms Prohibitions – Civil Orders of Protection	Section 3
2025 Quick Reference Guide to Firearms Prohibitions – Criminal Orders of Protection	Section 4

This project was supported by Subgrant No. 2023-WF-05-7872 awarded by the Louisiana Commission on Law Enforcement (LCLE) for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the LCLE or the U.S. Department of Justice, Office of Violence Against Women.

Section 1

QUICK REFERENCE: Louisiana’s Civil Domestic Abuse, Dating Violence, Stalking and Sexual Assault Law and LPOR forms (v.15.1)

Statute # Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?	Court	Venue Where to file	Relief available	Duration	Penalties for violation
La R.S. 46:2131 et seq. Domestic Abuse Assistance Act	<ul style="list-style-type: none"> ➤ Family/household members: spouses, former spouses, parents & children, stepparents & stepchildren, foster parents & foster children, grandparents, grandchildren, other ascendants or descendants, child currently or formerly living with defendant, or person presently or formerly living with defendant and is/was in sexual/intimate relationship ➤ Dating partners: as defined in R.S. 46:2151 (see pg. 2) ➤ Parent, adult household member or D.A.: on behalf of minor child or alleged incompetent 	Any court that hears family or juvenile matters: Family Court, Juvenile Court, District Court, some City or Municipal Courts	Must be one of following: <ul style="list-style-type: none"> ➤ parish of the household or marital domicile ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides ➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile) 	Temporary Restraining Order (TRO): <ul style="list-style-type: none"> ➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets or other animals ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought) ➤ barring both parties from giving away, selling or destroying property mutually owned or leased ➤ allows parties to return once with law enforcement escort to retrieve personal belongings ➤ award temporary custody of children ➤ order interpreter services ➤ order criminal history records from sheriff Protective Order (PO): <ul style="list-style-type: none"> ➤ relief as listed above ➤ defendant evicted from separate property/residence & petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties ➤ award temporary child/spousal support ➤ establish temporary visitation ➤ order counseling, court-monitored domestic abuse intervention, or medical/mental health evaluation/treatment ➤ firearms restrictions (see LPOR Firearms Prohibition Guide) 	TRO: from judge’s signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition Cannot be modified If a hearing officer presides at PO hearing, TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last. PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.	Civil: <ul style="list-style-type: none"> ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
LPOR FORMS Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvension use indicated forms, with –R ending, i.e. LPOR B-R</i>	LPOR A LPOR B LPOR F LPOR H LPOR G LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR P LPOR 5 LPOR 7 LPOR K LPOR M	If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party. Failure of petitioner to appear at hearing shall not alone constitute grounds to assess costs against petitioner. TRO: Court may cast defendant for all costs if issued PO: defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1).	<i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i>			

Statute # Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?		Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 46:2151 Protection from Dating Violence Act	dating partner: person who is or has been in a sexual or intimate relationship with offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender; shall not include a casual relationship or ordinary association between persons in a business or social context.		District Court, Family Court	Must be one of following: ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides	Temporary Restraining Order (TRO): ➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets or other animals ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought) ➤ barring both parties from giving away, selling or destroying property mutually owned or leased ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ award temporary custody of children ➤ order interpreter services ➤ order criminal history records from sheriff Protective Order (PO): ➤ relief as listed above ➤ defendant evicted from separate property/residence & petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties ➤ award temporary child support ➤ establish temporary visitation ➤ order counseling, court-monitored domestic abuse intervention, or medical/mental health evaluation/treatment ➤ firearms restrictions (see LPOR Firearms Prohibition Guide)	TRO: from judge's signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition Cannot be modified If a hearing officer presides at the PO hearing, the TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last. PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.	Civil: ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
		Costs					
		Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO. If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party. Failure of petitioner to appear at hearing shall not alone constitute grounds to assess costs against petitioner. TRO: Court may cast defendant for all costs if issued. PO: defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1)					
LPOR FORMS Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR B-R</i>		LPOR A LPOR B LPOR F LPOR H LPOR G LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR P LPOR 5 LPOR 7 LPOR K LPOR M					

Statute # Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?		Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 46:2171 et seq. Protection from Stalking Act OR La. R.S. 46:2181 et seq. Protection for Victims of Sexual Assault Act	victim of stalking or cyberstalking by <u>stranger or acquaintance</u>		District Court	Must be one of following: ➤ parish where defendant resides ➤ parish where petitioner resides ➤ parish where stalking or sexual assault occurred	Temporary Restraining Order (TRO): ➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets or other animals ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant) ➤ barring both parties from giving away, selling or destroying property mutually owned or leased ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ prohibit contact with protected person(s)' family or acquaintances ➤ order interpreter services ➤ order criminal history records from sheriff Protective Order (PO): ➤ relief as listed above ➤ order counseling, or medical/mental health evaluation/treatment	TRO: from judge's signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing on the request for the PO shall be scheduled within 10 days from service of the petition Cannot be modified If a hearing officer presides at the PO hearing, the TRO may remain in effect for up to 15 days following the hearing or until the judge signs the PO, whichever occurs last. PO: up to 18 mon., can be extended or modified after a hearing. Certain orders which direct the defendant to refrain from abusing, stalking, assaulting, harassing, or interfering with the person protected (Paragraphs 1-5) can be issued for an indefinite period of time.	Civil: ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
	victim of sexual assault by <u>stranger or acquaintance</u>		Any court that hears family or juvenile matters				
LPOR FORMS			Costs				
Instructions Petition Confidential Address (optional) Service of Process Temporary Restraining Order (TRO) Protective Order (PO) Modify PO - Motion Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR D-R</i>		LPOR Y LPOR D LPOR F LPOR H LPOR 1 LPOR 3 LPOR P LPOR P LPOR 5 LPOR 7 LPOR K LPOR M	Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO. If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party. Failure of petitioner to appear at hearing shall not alone constitute grounds to assess costs against petitioner. TRO: Court may cast defendant for all costs if issued. PO: Defendant required to pay court costs, including appeals, other fees (see R.S. 46:2136.1).				

Statute #/Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?		Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. Children's Code Art. 1564 et seq. Domestic Abuse Assistance Act	➤ family or household member: spouses, former spouses, parents & children, stepparents & stepchildren, foster parents & foster children, or person living with defendant as spouse if minor child(ren) live in household		Any court with juvenile jurisdiction: District Court, Juvenile Court, City Court with juvenile jurisdiction	Must be one of following: ➤ parish of the household or marital domicile ➤ parish where defendant resides ➤ parish where abuse occurred ➤ parish where petitioner resides <i>NOTE: If this is the only venue option, limited relief is available ex parte. Relief not available until hearing is indicated by asterisks.</i> ➤ parish where divorce or annulment can be brought (where petitioner is domiciled, where defendant is domiciled, and/or last matrimonial domicile) <i>If a suit for divorce is pending, the petition for domestic abuse assistance must be filed in that proceeding.</i>	Temporary Restraining Order (TRO): ➤ prohibit abuse, harassment, assault, stalking, monitoring, contacting or interfering with protected person(s) ➤ prohibit going near person, residence or employment of protected person(s) ➤ award use or return of certain specific property/pets* ➤ award use of residence to petitioner, evict defendant (unless solely owned by defendant, or solely leased by defendant who has no duty to support petitioner or person on whose behalf petition is brought)* ➤ barring both parties from giving away, selling or destroying property mutually owned or leased* ➤ allows the parties to return once with law enforcement escort to retrieve personal belongings ➤ award temporary custody of children* ➤ order interpreter services ➤ order criminal history records from sheriff Protective Order (PO): ➤ relief as listed above ➤ defendant evicted from separate property/residence & petitioner awarded possession if petitioner is awarded custody of minor child(ren) of the parties ➤ award temporary child support ➤ establish temporary visitation ➤ order counseling, court-monitored domestic abuse intervention, or medical evaluation/treatment ➤ firearms restrictions (see LPOR Firearms Prohibition Guide)	TRO: from judge's signature to hearing, hearing to be set within 21 days Can be reissued if the hearing is continued (continuance shall not exceed 15 days, unless good cause is shown for further continuance) If the court does not grant the TRO, a hearing for the request on the PO shall be scheduled within 10 days from service of the petition Cannot be modified PO: up to 6 mon., (unless protected person is minor child who was sexually abused, then until child reaches age 18). Can be extended or modified after a hearing	Civil: ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$500 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on PO, after issued)
	➤ parent, adult household member, local child protection unit of the Dept. of Children and Family Services, or D.A.: on behalf of minor child or alleged incompetent adult		Costs				
	LPOR FORMS Instructions Petition Confidential Address (optional) Service of Process Firearms Information and Firearms Declaration of Non-Possession Temporary Restraining Order (TRO) Protective Order (PO) Order of protection, multi-statute Modify PO - Motion Dissolve PO - Motion Dissolve PO - Order Judgment of Dismissal Rule to show cause, contempt of court Rule to show cause, when TRO denied <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR C-R</i>		LPOR A LPOR C LPOR F LPOR H LPOR G LPOR 1 LPOR 3 LPOR 20 LPOR P LPOR P LPOR 5 LPOR 7 LPOR K LPOR M				
			Court cannot require petitioner to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO or PO. If court finds the filing was frivolous, may order petitioner to pay court costs & reasonable attorney fees for other party. Failure of petitioner to appear at hearing shall not alone constitute grounds to assess costs against petitioner. TRO: Court may cast defendant for all costs if issued. PO: Defendant required to pay court costs, including appeals, other fees (see Ch. C. Art. 1570.1).				

Statute #/Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?		Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 9:361 et seq. Post Separation Family Violence Relief Act	abused parent, or parent on behalf of abused child(ren)		any court empowered to hear family matters, or La. R.S. 46:2131 et seq.	Must be one of following: If filed in conjunction with divorce, where divorce can be filed (where petitioner or defendant is domiciled or parish of last matrimonial domicile) If filed in conjunction with custody, where that action may be filed	<ul style="list-style-type: none">➤ prohibit contact with abused parent or child(ren) except as approved by court and agreed to by abused parent➤ bar defendant from going within 50 yards of home, school, employment, or person of abused parent or child(ren)➤ bar defendant from going within 50 feet of automobile of abused parent or child(ren)➤ order only supervised visitation of child(ren), see R.S. 9:341.➤ supervisor must not be relative, friend, therapist or associate of abusive parent➤ order abusive parent to pay costs of supervision➤ bar defendant from visitation overnight or in defendant's home➤ bar sole or joint custody of child(ren) by abusive parent until completion of a court-monitored domestic abuse intervention program/sexual abuser intervention, not abusing alcohol/using illegal substances, best interest of child pursuant to C.C. Art. 134.➤ bar all contact with child(ren) for parent found to have sexually abused child(ren) until successful completion of a treatment program designed specifically for such perpetrators➤ order interpreter services➤ order criminal history records from sheriff➤ perpetrator shall pay all court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, expert witness fees incurred, all costs of medical and psychological care for the abused spouse, or for any of the children➤ firearms restrictions (see LPOR Firearms Prohibition Guide)	TRO 2-10 days (unless requested in a suit for divorce, then TRO lasts until the hearing on the request for the preliminary injunction) Can be modified, can be reissued if hearing continued Preliminary injunction until trial on permanent injunction Can be modified, can be reissued if hearing continued Permanent Injunction does not expire Can be modified	Civil: <ul style="list-style-type: none">➤ contempt of court➤ parish jail up to 6 mon. and/or➤ fine up to \$1,000➤ termination of court ordered visitation Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)
			Costs				
			Petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO, preliminary or permanent injunction, or PO. Defendant required to pay court costs, including appeals, other fees (see R.S. 9:367).				
LPOR FORMS Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Firearms Information and Firearms Declaration of Non-Possession Modify - Motion Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR 9-R</i>	LPOR 9 LPOR 9 LPOR 9 LPOR G LPOR P LPOR P LPOR 5 LPOR K LPOR 20						

Statute #/Name CIVIL ORDERS OF PROTECTION	Eligibility Who can file?		Court	Venue Where to file	Relief available	Duration	Penalties for violation
La. R.S. 9:372 Injunction against abuse (filed in conjunction with a divorce)	Spouses, on own behalf or on behalf of abused child(ren)		any court that hears family matters: District Court Family Court	Must be one of following: ➤ where petitioner is domiciled ➤ where defendant is domiciled ➤ parish of last matrimonial domicile	➤ order prohibiting physical or sexual abuse of spouse or child(ren) of either party ➤ order interpreter services ➤ order criminal history records from sheriff ➤ firearms restrictions (see LPOR Firearms Prohibition Guide)	TRO until hearing on preliminary injunction Can be modified, can be reissued if hearing continued Preliminary Injunction until trial on permanent injunction Can be modified Permanent Injunction does not expire Can be modified	Civil: ➤ held in contempt ➤ parish jail up to 6 months, and/or ➤ fine up to \$1,000 Criminal: arrest pursuant to R.S. 14:79 (on TRO, after served to defendant; on preliminary and permanent injunctions, after issued)
		Costs					
LPOR FORMS Temporary Restraining Order (TRO) Preliminary Injunction Permanent Injunction Firearms Information and Firearms Declaration of Non-Possession Modify - Motion Dissolve - Motion Dissolve - Order Rule to show cause - contempt of court Order of protection, multi-statute <i>If filing in reconvention use indicated forms, with –R ending, i.e. LPOR 9-R</i>		LPOR 9 LPOR 9 LPOR 9 LPOR G LPOR P LPOR P LPOR 5 LPOR K LPOR 20	Petitioner cannot be required to prepay or be cast with court costs, cost of service or subpoena, filing, or dismissal of petition or issuance or dissolution of TRO, preliminary or permanent injunction, or PO. Court can order abusive parent to pay costs of court, including appeals, and other fees. (see R.S. 9:314).				

Section 2

QUICK REFERENCE: Louisiana’s Criminal Domestic Abuse, Dating Violence, Stalking and Sexual Assault Law and LPOR forms (v.15.1)

Statute # / Name CRIMINAL ORDERS OF PROTECTION	Eligibility Who can request?	Court	Venue Where to request	Relief available	Duration	Penalties for violation
La. C. Cr. Proc. Art. 320 (G) and (H) Conditions of bail undertaking NOTE: See also Art. 313	<p>- when defendant is charged with an offense against a family or household member (as in R.S. 46: 2132[4]) or dating partner (R.S. 46:2151), battery of a dating partner (R.S. 14:34.9), a crime of violence (R.S. 14.2), domestic abuse battery (R.S. 14:35.3), stalking (R.S. 14:40.2), cyberstalking (R.S. 14:40.3), violation of a protective order (R.S. 14:79), sexual assault (as defined in R.S. 46:2184) or unlawful communication (R.S. 14:285) <u>AND</u> court determines defendant poses a threat or danger to victim, the court is <u>required</u> to issue</p> <p>- victim or prosecutor can request</p>	City Court District Court	where criminal action is pending	<ul style="list-style-type: none">➤ prohibit contact, communication or physical proximity to victim➤ prohibit communication with immediate family members of victim (spouse, mother, father, aunt, uncle, sibling or child of the victim, whether related by blood, marriage or adoption)➤ prohibit defendant from going to victim’s residence, school, employment➤ electronic monitoring of defendant➤ firearms prohibition (see LPOR Firearms Prohibition Guide)	<p>while criminal case is pending until sentencing</p> <p>can be modified</p>	<ul style="list-style-type: none">➤ forfeiture of bail➤ issuance of bench warrant➤ arrest pursuant to R.S. 14:79
La. C. Cr. Proc. Art. 895 Conditions of probation AND La. C. Cr. Proc. Art. 871.1 Sentencing Orders	<p>- court can grant on its own motion when defendant has been convicted of an offense against a family or household member (as in R.S. 46:2132[4]) or dating partner (R.S. 46:2151), stalking (R.S. 14:40.2) or sexual assault (as defined in R.S. 46:2184)</p> <p>-victim, probation officer, DA or prosecutor can request</p>	City Court District Court	where criminal action is pending	<ul style="list-style-type: none">➤ prohibit contact, communication or physical proximity to victim➤ prohibit defendant from going to victim’s residence, school, employment➤ if domestic/dating violence, defendant shall be ordered to complete court-monitored domestic abuse intervention or counseling program➤ if sex offense, shall be ordered to complete sex offender treatment program➤ if stalking, psychiatric evaluation, court-approved counseling➤ restitution➤ electronic monitoring of defendant➤ if domestic/dating violence, defendant shall be responsible for cost of victim’s counseling or therapy➤ if domestic/dating violence, court may order the defendant to pay up to one thousand dollars to a family violence program located in the parish where the offense of domestic abuse occurred➤ firearms prohibition (see LPOR Firearms Prohibition Guide)	<p>all or part of probationary period</p> <p>if pursuant to R.S. 14:40.2 - up to 18 months or non-expiring</p> <p>can be modified</p>	<ul style="list-style-type: none">➤ revocation of probation➤ modify conditions of probation➤ arrest pursuant to R.S. 14:79

Statute #/Name CRIMINAL ORDERS OF PROTECTION	Eligibility Who can request?	Court	Venue Where to request	Relief available	Duration	Penalties for violation
La. R.S. 46:1846 Communication between offender and victim prohibited	<ul style="list-style-type: none"> - when defendant is charged by bill of information or indictment or is sentenced or found not guilty by reason of insanity for a crime of violence or <ul style="list-style-type: none"> • any felony sex offense • any felony human trafficking-related offense • any felony offense committed against a family member, household member, or dating partner • any felony offense committed against an immediate family member* of such persons (<i>*spouse, mother, father, aunt, uncle, sibling, or child of offender whether related by blood, marriage or adoption</i>), the court is <u>required</u> to issue 	District Court	where action is pending	<ul style="list-style-type: none"> ➤ to protect, at a minimum, a victim and the children of the victim ➤ it shall be presumed that the defendant poses a credible threat to the physical safety of the person(s) protected by the order ➤ prohibit communication with victim ➤ prohibit communication with victim's immediate family members ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	discretion of the court, Dept. of Public Safety and Corrections	<ul style="list-style-type: none"> ➤ forfeiture of bail ➤ issuance of bench warrant ➤ arrest pursuant to R.S. 14:79
R.S. 15:574.4.2 Decisions of Committee on Parole; Nature, Order and Conditions of Parole; Rules of Conduct	<ul style="list-style-type: none"> - when granting parole to offender convicted of a crime of violence or: <ul style="list-style-type: none"> • any felony sex offense • any felony human trafficking-related offense • any felony offense committed against a family member, household member, or dating partner (item deleted here) - the Committee on Parole is <u>required</u> to issue as a condition of parole – Judge of the court of conviction is <u>required</u> to prepare and sign a Uniform Abuse Prevention Order 			<ul style="list-style-type: none"> ➤ prohibit contact, or communication with victim ➤ prohibit defendant from going to victim's residence, school, employment ➤ prohibit communication with immediate family members of victim (spouse, mother, father, aunt, uncle, sibling, or child of victim whether related by blood, marriage or adoption) ➤ firearms prohibition (see LPOR Firearms Prohibition Guide) 	duration of parole	<ul style="list-style-type: none"> ➤ revocation of parole ➤ arrest pursuant to R.S. 14:79
LPOR FORMS: Order for bail restriction, sentencing orders, probation conditions, conditions of parole Dissolve an LPOR 17 or LPOR 25 Order to protect victims of other crimes of violence (including human trafficking) Order to protect witnesses to domestic abuse, dating violence, stalking, sexual assault or other crimes of violence (including human trafficking) Firearms Information and Firearms Declaration of Non-Possession		LPOR 17 LPOR 18 LPOR 25 LPOR 25 LPOR G				

Section 3

QUICK REFERENCE GUIDE TO FIREARMS PROHIBITIONS – Civil Orders of Protection (v.15.1)

WHEN DO STATE AND/OR FEDERAL FIREARMS PROHIBITIONS APPLY?

Law La. Civil orders of protection		Relationship Required	Notice and Opportunity for Hearing	Finding	Behavior prohibited	Duration of prohibition	Firearm Transfer Order	Type of firearm
La. R.S. 46:2131 et seq. Domestic Abuse Assistance Act	Firearms prohibition under: STATE La. R.S. 46:2136.3 Protective Order	<u>LPOR 3, 3-R</u> Box A or Box B (any relationships listed) current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; parent, stepparent, foster parent; grandparent; grandchild, other ascendants or descendants, protected person and defendant have a child(ren) in common, current or former dating partner, child currently or formerly living with defendant	Protective Order <u>only</u>	<u>LPOR 3, 3-R</u> - Box E finding of credible threat	N/A	length of time order is in effect – up to 18 months; but some relief may be non-expiring	Yes; and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
La. R.S. 46:2151 Protection from Dating Violence Act								
La. Children's Code Art. 1564 et seq. Domestic Abuse Assistance Act	<u>FEDERAL</u> 18 U.S.C. 922(g)(8)	<u>LPOR 3, 3-R</u> (Protective Order) - Box A (any relationship listed) current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; protected person and defendant have a child(ren) in common	<u>LPOR 3, 3-R</u> - Box D actual notice & opportunity to participate in hearing provided to defendant	<u>LPOR 3, 3-R</u> - Box E finding of credible threat OR certain behavior prohibited (see next column)	<u>LPOR 3, 3-R</u> - item #1 order prohibits use, attempted use or threatened use of physical force	length of time order is in effect; some relief may be non-expiring	N/A	any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; does not include an antique firearm

Law La. Civil orders of protection		Relationship Required	Notice and Opportunity for Hearing	Finding	Behavior prohibited	Duration of prohibition	Firearm Transfer Order	Type of firearms
<p>La. R.S. 9:361 et seq. Post Separation Family Violence Relief Act (PSFVRA)</p> <p>La. R.S. 9:372 Spousal Injunction against abuse (SIAA) (filed in conjunction with a divorce)</p>	<p>Firearms prohibition under:</p> <p><u>STATE</u> La. R.S. 46:2136.3 <u>Permanent Injunction</u></p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Box A spouse; former spouse; child; protected person and defendant have a child in common</p> <p><u>SIAA - LPOR 9, 9-R</u> - Box A spouse; child; stepchild</p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Permanent injunction <u>only</u></p> <p><u>SIAA - LPOR 9, 9-R</u> - Permanent injunction <u>only</u></p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Box E finding of credible threat</p> <p><u>SIAA - LPOR 9, 9-R</u> - Box E finding of credible threat</p>	<p>N/A</p> <p>N/A</p>	<p>permanent</p> <p>permanent</p>	<p>Yes; and suspension of concealed firearm permit (see La.C.Cr.P. Art. 1001 et seq.)</p> <p>Yes; and suspension of concealed firearm permit (see La.C.Cr.P. Art. 1001 et seq.)</p>	<p>any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive</p>
	<p><u>FEDERAL</u> 18 U.S.C. 922(g)(8)</p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Box A spouse; former spouse; child; protected person and defendant have a child(ren) in common</p> <p><u>SIAA - LPOR 9, 9-R</u> - Box A spouse; child; stepchild</p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Box C actual notice and opportunity to participate provided to defendant</p> <p><u>SIAA - LPOR 9, 9-R</u> - Box C actual notice and opportunity to participate provided to defendant</p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - Box D or E finding of credible threat OR certain behavior prohibited (see next column)</p> <p><u>SIAA - LPOR 9, 9-R</u> - Box D or E finding of credible threat OR certain behavior prohibited (see next column)</p>	<p><u>PSFVRA - LPOR 9, 9-R</u> - item #1 order prohibits use, attempted use or threatened use of physical force</p> <p><u>SIAA - LPOR 9, 9-R</u> - item #1 order prohibits use, attempted use or threatened use of physical force</p>	<p>permanent</p> <p>permanent</p>	<p>N/A</p> <p>N/A</p>	<p>any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Does not include an antique firearm</p>

Section 4

QUICK REFERENCE GUIDE TO FIREARMS PROHIBITIONS – Criminal Orders of Protection (v.15.1)

WHEN DO STATE AND/OR FEDERAL FIREARMS PROHIBITIONS APPLY?

Law (La. Criminal orders of protection)		Relationship <u>Required</u>	Notice, Finding by Court or other requirements	Elements of crime	Duration of prohibition	Firearm Transfer Order	Type of firearm
La. C.Cr. P. Art. 313 Gwen’s Law; bail hearing; detention without bail AND/OR Art. 320 Conditions of Bail	Firearms prohibition under: <u>STATE</u> La.C.Cr.P. Art. 320(H)	N/A	<u>LPOR 17</u> - Box F Finding of credible threat Domestic abuse, dating violence, stalking, sexual assault. The court shall consider whether defendant poses a threat or danger to the victim. If so , court shall require as condition of bail that defendant refrain from going to victim’s residence, school and place of employment, and from contacting victim in any manner. Court shall prohibit defendant from possessing a firearm.	<u>Charged</u> with an offense against a family or household member (R.S. 46:2132[4]) or dating partner (R.S. 46:2151) or is charged with domestic abuse battery (R.S. 14:35.3), battery of a dating partner (R.S.14:34.9), stalking (R.S. 14:40.2), cyberstalking (R.S. 14:40.3), sexual assault as defined in R.S. 46:2184, crime of violence (R.S. 14:2), violation of a protective order (R.S. 14:79), or unlawful communications (R.S. 14:285).	length of time order is in effect	Yes, and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	La. R.S. 46:1846	N/A	If order is issued, the court shall presume defendant is credible threat and shall prohibit possession of a firearm.	Charged by bill of information or indictment for a crime of violence or any felony sex offense, or felony human trafficking-related offense, or a felony offense committed against a family member, household member, or dating partner or an immediate family member of such victims.* (<i>*spouse, mother, father, aunt, uncle, sibling, or child of defendant whether related by blood, marriage or adoption</i>)	length of time order is in effect	Yes, and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	<u>FEDERAL 18</u> U.S.C. 922(g)(8)	<u>LPOR 17</u> Box C (any relationship listed) current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; protected person and defendant have child(ren) in common	<u>LPOR 17</u> - Box G Notice and opportunity for a hearing - Box G Finding of a credible threat OR item 1 is ordered by the court (restrains defendant from threats, etc. including use or threat of physical force)	N/A	length of time order is in effect	N/A	any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; does not include an antique firearm, and ammunition

Law (La. Criminal orders of protection)		Relationship <u>Required</u>	Notice, Finding by Court or other requirements	Elements of crime for which defendant is convicted	Duration of prohibition	Firearm Transfer Order	Type of firearms
La. C.Cr. P. Art. 895 Conditions of probation AND La. C.Cr. P. Art. 871.1 Sentencing Orders	Firearms prohibition under: STATE La. R.S. 46:2136.3	<u>LPOR 17</u> Any listed in Box C or Box D current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; parent, stepparent, foster parent; grandparent; grandchild; other ascendants or descendants, child currently or formerly living with defendant, protected person and defendant have child(ren) in common; current or former dating partner	<u>LPOR 17</u> Box H -Finding of credible threat	Convicted of any crime against a family or household member or dating partner	length of time order is in effect, i.e. duration of probationary period, duration of sentence, etc.	Yes; and suspension of concealed firearm permit (see La.C.Cr. P. Art. 1001 et seq.)	any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive
	R.S. 46:1846	N/A	If order is issued, the court shall presume defendant is credible threat and shall prohibit possession of a firearm.	Sentenced or found not guilty by reason of insanity for a crime of violence or felony sex offense or felony human trafficking related offense, or a felony offense committed against a family member, household member, or dating partner or an immediate family member of such victims.* (<i>*spouse, mother, father, aunt, uncle, sibling, or child of defendant whether related by blood, marriage or adoption</i>).	length of time order is in effect		
	R.S. 14:40.2	N/A	Box H -Finding of credible threat	Convicted of the crime of stalking	length of time order is in effect		
	R.S. 14:95.10	N/A	Box H -Finding of credible threat Box B , box under "Right to counsel" and either box under "Right to jury trial" are checked	Convicted of domestic abuse battery, or battery of a dating partner (on 1 st offense when such battery involves strangulation or burning) or 2 nd or subsequent offense of battery of a dating partner.	Domestic abuse battery and battery of a dating partner until conviction is expunged or set aside, or defendant is pardoned or has civil rights restored <u>or</u> ten years from the date of completion of sentence, probation, parole, or suspension of sentence		

Law (La. Criminal orders of protection)		Relationship <u>Required</u>	Notice, Finding by Court or other requirements	Elements of crime for which defendant is convicted	Duration of prohibition	Firearm Transfer Order	Type of firearms
	<u>R.S. 15:574.4.2 Conditions of Parole</u>	N/A	<u>LPOR 17 Box H</u> - Finding of credible threat	Convicted of a felony offense against a family member, household member or dating partner	length of time defendant is on parole	N/A	
	<u>FEDERAL 18 U.S.C. 922(g)(9)</u>	<u>LPOR 17 Box C (any) or Box D (1 or 4)</u> current or former spouse; current or former intimate cohabitant; child, stepchild, or foster child; child of defendant's current or former intimate partner; protected person and defendant have child(ren) in common; grandchild, current or recent former dating partner	<u>LPOR 17 Box B</u> , box under "Right to counsel" and either box under "Right to jury trial" are checked	Convicted of any crime which has as an element the use of physical force, attempted use of physical force, or threatened use of a deadly weapon	permanent unless conviction is expunged or set aside, or defendant is pardoned or has civil rights restored if victim is a current or recent former dating partner AND defendant has not more than 1 conviction of a MCDV against a dating partner, duration of prohibition is five (5) years from the later of conviction/completion of custodial or supervisory sentence	N/A	Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.; does not include an antique firearm, and ammunition